HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 15446 of 2007

Dated 09.08.2007

Between:

S.K.Lateef and others.

...Petitioners

and

The Chief Executive Officer and others.

...Respondents

HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 15446 of 2007

O R D E R:

The petitioners claim to be the owners of Ac.16.00 of land in Survey No.282 of Dugyala Village, Nalgonda District. They challenge the proceedings, dated 06.06.2007 issued by the District Revenue-cum-Wakf Officer, Nalgonda, second respondent herein, proposing to conduct the auction of leasehold rights in respect of Ac.10.00 out of said land. The petitioners contend that

they are the absolute owners and their names are recorded even in the khasra pahani. It is also urged that no notification was issued under the Wakf Act in respect of this land and in that view of the matter, the proposed action cannot be countenanced in law.

Heard the learned counsel for the petitioner.

Learned Standing Counsel for the Wakf Board had obtained instructions and placed the copies of several documents. It is contended that an Occupancy Rights Certificate under provisions of the A.P. (Telangana Area) Abolition of Inams Act, 1954 was issued in favour of Ashoor Khana, under the administration of the Wakf Board, on 20.07.1999 by the Revenue Divisional Officer, Miryalaguda and that ever since, the land of Ac.10.00 is being leased out by conducting auction. It is also stated that the petitioners themselves became the lessees from 2002 onwards, by participating in the auction and they cannot question the present proceedings.

The plea of the petitioners that they are the absolute owners of the property and that their names are entered in the khasra pahani also, could have weighed with this Court, had the same state of affairs continued without any interruption. The record discloses that an Occupancy

Rights Certificate was issued in favour of the Wakf Board as regards Ac.14.00 of land in Survey No.282 of Dugyala Village on 20.07.1999 by the Revenue Divisional Officer, Miryalaguda. If the petitioners feel aggrieved by these proceedings, they have to pursue their remedies. The record further discloses that from 2002 on wards, the petitioners have been participating in the auction conducted on behalf of the Wakf Board for grant of leasehold rights and they are enjoying the property as lessees. At this length of time, they cannot take exception to the very exercise, that was being undertaken by the respondents year after year from 2002 onwards. This Court does not find any basis to grant relief to the petitioners.

Therefore, the writ petition is dismissed. It shall be open to the petitioners to pursue their remedies under the relevant provisions of law, if they are so advised. There shall be no order as to costs.

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09.08.2007

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